

"The following draft minutes of the Board meeting have not been adopted by the Board and are provided for general information only"

**CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OPEN MEETING MINUTES
DECEMBER 19, 2003
10:00 A.M.
630 "K" STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Jacqueline R. Wilson, Deputy Director, Interagency Support Services, Department of General Services, acting for William J. Jefferds, Director of the Department of General Services, who also was present, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, December 19, 2003, at 10:10 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Gabriel Sandoval, Board Member.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Interim Chief Counsel; and Chris Aceituno, Manager; Government Claims Program. Also in the audience were Pete Williams, DEO, Victim Compensation Program; Carol Fieldhouse, DEO, Administration; David Shaw, DEO, Revenue Recovery and Appeals Division, and Janice Hill, Manager, Hearing and Appeals. Sally Gill, Board Liaison, recorded the meeting.

EXECUTIVE OFFICER'S REPORT

Ms. Close discussed the Contract Report dated November 2003. Next, Ms. Close announced the appointment of Frank "Fred" Aguiar as the Secretary of the State and Consumer Services Agency. Ms. Close reported that on December 6, 2003, she and Anita Ahuja attended the last formal support group meeting for the September 11, 2001, victims in Los Angeles. Ms. Close and Ms. Ahuja also attended a meeting in Washington, DC, for all agencies that received federal VOCA grants for the September 11th victim services.

On December 10, 2003, Ms. Close attended the first meeting of Attorney General Bill Lockyer's statewide task force on domestic violence.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:15 a.m.

Item 1 **CLAIMANT: Laura Ammons (Zins)** **G515286**

The Board voted to adopt the claims examiner's recommendation.

Item 2 **CLAIMANT: Balboa Insurance Company** **G537941**

The Board voted to adopt the staff recommendation.

Item 3 **CLAIMANT: Sacramento County Office of Education** **G536550**

The Board voted to adopt the staff recommendation.

Item 4 **CLAIMANT: Sierra Energy and Risk Assessment** **G534435**

The Board voted to adopt the staff recommendation.

Item 5 **CLAIMANT: Sun Microsystems, Inc.** **G540252**

The Board voted to adopt the staff recommendation.

Item 6 The “**Requests for Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940 et seq.**” After discussion, the Board voted to request that staff from the State Controller’s Office appear at the January Board Meeting to report for informational purposes, how and why they determine that debts are uncollectible. The Board then voted to adopt the staff recommendation pursuant to Government Code section 13940 et seq., to adopt the “Requests for Discharge from Accountability for Uncollectible Accounts.”

Item 7 Chris Aceituno, Government Claims Manager, presented the “**Request from United Way of Fresno County and Mt. Baldy United Way to Amend the Geographic Regions Covered by their 2003 Applications for the California State Employees Charitable Campaign.**” After discussion, the Board voted to adopt the staff recommendation.

OTHER BUSINESS

Item 8 The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated December 5, 2003.

| | | | |
|----|---------------------------------|--------|-------------|
| A. | Total claims awarded on consent | 57 | |
| | To be paid under GC § 965 | 22 for | \$18,594.33 |
| | To be paid under claims bill | 35 for | \$63,045.49 |
| B. | Claims rejected on consent | 260 | |

The Government Claims Program was completed at 10:45 a.m.

BID PROTEST PROGRAM

Item 94 Judith Kopec, Interim Chief Counsel, presented a proposed decision in the bid protest of “**Park Place International, RFQ No. 52134.**” After discussion, the Board voted to adopt the proposed decision.

Item 96 Judith Kopec, Interim Chief Counsel, presented a proposed decision in the bid protest of “**Mobile Equipment Company, IFB No. 51923.**” After discussion, the Board voted to modify the Office of Administrative Hearings decision by deletion of footnote number one and to adopt the modified decision.

Item 95 Judith Kopec, Interim Chief Counsel, presented a proposed decision in the bid protest of “**Blue Ox Timber Company, IFB No. 52031.**” After discussion, the Board voted to modify the Office of Administrative Hearings decision by deletion of footnote number one and to adopt the modified decision.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 11:00 a.m.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Interim Chief Counsel at 11:00 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 11:45 a.m.

PROPOSED DECISIONS

Item 1 **CLAIMANT** **508286V**

The Board voted to adopt the proposed decision.

Item 2 **CLAIMANT** **560707V**

The Board voted to continue the matter.

Item 3 **CLAIMANT** **630499V**

The Board voted to adopt the proposed decision.

Item 4 **CLAIMANT** **668326V**

The Board voted to adopt the proposed decision.

Item 5 **CLAIMANT** **678668V**

The Board voted to adopt the proposed decision.

Item 6 **CLAIMANT** **699649V**

The Board voted to adopt the proposed decision.

Item 7 **CLAIMANT** **706832V**

The Board voted to adopt the proposed decision.

Item 8 **CLAIMANT** **715185V**

The Board voted to continue the matter.

Item 9 **CLAIMANT** **724560V**

The Board voted to adopt the proposed decision.

Item 10 **CLAIMANT** **731262V**

The Board voted to adopt the proposed decision.

Item 11 **CLAIMANT** **739523V**

The Board voted to adopt the proposed decision.

Item 12 **CLAIMANT** **741350V**

The Board voted to adopt the proposed decision.

Item 13 **CLAIMANTS** **742516V & 742507V**

The Board voted to adopt the proposed decision.

Item 14 CLAIMANT 744004V

The Board voted to adopt the proposed decision.

Item 15 CLAIMANT 747556V

The Board voted to adopt the proposed decision.

Item 16 CLAIMANT 748613V

The Board voted to adopt the proposed decision.

Item 17 CLAIMANT 748622V

The Board voted to adopt the proposed decision.

Item 18 CLAIMANTS 751746V & 751747V

The Board voted to adopt the proposed decision.

Item 19 CLAIMANT 751798V

The Board voted to adopt the proposed decision.

Item 20 CLAIMANT 755602V

The Board remanded this matter to the Hearing Officer for discussion of any corroboration of the victim's testimony that she was taken to a specific hospital or other facts supporting good cause for filing a late application.

Item 21 CLAIMANT 755897V

The Board voted to adopt the proposed decision.

Item 22 CLAIMANTS 757508V & 757509V

The Board voted to adopt the proposed decision.

Item 23 CLAIMANTS 758388V, 758387V & 758386V

The Board voted to adopt the proposed decision.

Item 24 CLAIMANT 763682V

The Board voted to adopt the proposed decision.

Item 25 CLAIMANT 764575V

The Board voted to adopt the proposed decision.

Item 26 CLAIMANT 767748V

The Board remanded this matter to the Hearing Officer to clarify whether the evidence discussed on page 2, lines 14 through 18, constitutes a statement from law enforcement that the victim needed to relocate for her personal safety.

Item 27 CLAIMANT 768327V

The Board voted to adopt the proposed decision.

Item 28 CLAIMANTS 769475V, 769478V & 769480V

The Board voted to adopt the proposed decision.

Item 29 **CLAIMANT** **772577V**

The Board voted to adopt the proposed decision.

Item 30 **CLAIMANT** **773505V**

The Board voted to adopt the proposed decision.

Item 31 **CLAIMANT** **774168V**

The Board remanded this matter to the Hearing Officer to clarify the legal and factual issues concerning what crime, if any, occurred, whether there was a qualifying crime, and the status of any investigation at the Board of Chiropractors.

Item 32 **CLAIMANT** **781464V**

The Board voted to adopt the proposed decision.

Item 33 **CLAIMANT** **786665V**

The Board voted to adopt the proposed decision.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to deny the following requests for reconsiderations.

34. CLAIMANT **760685V**

35. CLAIMANT **646827V**

36. CLAIMANT **741662V**

37. CLAIMANT **580636V**

38. CLAIMANT **649218V**

39. CLAIMANT **621558V**

40. CLAIMANT **518568V**

41. CLAIMANT **779218V**

42. CLAIMANT **633339V**

43. CLAIMANT **755981V**

44. CLAIMANT **654750V**

45. CLAIMANT **728624V**

46. CLAIMANT **749798V**

47. CLAIMANT **655792V**

48. CLAIMANT **761937V**

49. CLAIMANT **761828V**

50. CLAIMANT **738322V**

51. CLAIMANT **766675V**

52. CLAIMANT **716510V**

Lisa Dunn addressed the Board regarding her claims. After discussion, the Board directed staff to inform Ms. Dunn in writing of the status of her VCP and Government Claims.

53. CLAIMANT **719164V**

54. CLAIMANT **757560V**

55. CLAIMANT **464186V**

56. CLAIMANT **735442V**

57. CLAIMANT **756245V**

58. CLAIMANT **709282V**

59. CLAIMANT **764736V**

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, claim numbers 60 through 93.

MISCELLANEOUS ITEMS

The Board adopted the September 19, 2003, Board Meeting minutes.

The Board voted to confirm the January 23, 2004, Board Meeting at 10:00 a.m., however, the Board also voted to adopt one meeting at a time until the new Board Member from the State and Consumer Services Agency has arrived.

The meeting was adjourned at 12:00 p.m.

CATHERINE A. CLOSE
Interim Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____
Sally Gill
Board Liaison

(Affix seal here)